

REMARKS

By this Amendment, Claims 1, 14, 15, 26, 39 and 40 are cancelled herein. Claims 2, 5, 8, 10, 12, 13, 17, 18, 21, 24, 27, 30, 35, 37, 38, 42, 43, 46, and 49 have been amended herein. Claims 17 and 42 are amended to be recited in independent form. The dependency of Claims 5, 8, 10, 12, 13, 18, 21, 24, 30, 35, 37, 38, 43, 46, and 49 have been amended to depend from a different base claim. No new claims are added. Hence, Claims 2, 3, 5-13, 17-25, 27, 28, 30-38, and 42-53 are pending.

The Examiner is thanked for indicating that Claims 3, 17, 28, 42, and 51-53 contain allowable subject matter.

SUMMARY OF REJECTIONS

Claims 2, 14, 15, 24, 25, 27, 39, 40, 49, and 50 are rejected under 35 USC §102(e) as allegedly anticipated by US Patent No. 6,185,587 issued to Bernardo et al. ("*Bernardo*").

Claims 1, 5-8, 10-13, 18-21, 26, 30-33, 35-38, and 43-46 are rejected under 35 USC §103(a) as allegedly unpatentable over *Bernardo* in view of Mary et al. (The VLDB Journal (2000) 9: pp. 38-55) ("*Mary*").

Claims 9, 22, 23, 34, 47, and 48 are rejected under 35 USC §103(a) as allegedly unpatentable over *Bernardo* in view of *Mary* in view of US Patent No. 6,154,738 issued to Call ("*Call*").

The rejections are respectfully traversed.

INDEPENDENT CLAIMS 2 AND 27 ARE PATENTABLE OVER THE CITED ART

Each of the pending claims recites a combination of elements that is not disclosed, taught, or suggested by the cited art, either individually or in combination. For example, Claim 2 recites

the following features:

A method of building a web site, the method comprising the steps of:
presenting a user with a series of one or more user interfaces including controls
for modifying a template that defines a first arrangement of components
for a template web site;
receiving input from the user in response to user interaction with the controls on
the series of one or more interfaces;
creating a user site XML file holding data indicating a modified arrangement of
components based on the input from the user; and
causing a web site building component to automatically build the web site based
on the user site XML file,
wherein the web site building component builds the web site by performing the
steps of:
calling routines to create, within a database, database objects for storing
and retrieving properties of components, of the web site, that are
specified in the user site XML file,
calling routines to load information from the user site XML file into said
database objects, and
executing a routine to form one of the web site pages based on the
database objects in response to receiving a request for the page
(emphasis added).

The above-combination of elements are not disclosed, taught, or suggested by *Bernardo*.

At the most general level, both the pending claims and the approach of *Bernardo* are directed towards building a web site. However, as explained in further detail below, there are significant distinctions in the approach taken by the cited art and the express requirements of the pending claims.

Bernardo does not disclose, teach, or suggest Claim 2

Bernardo teaches an approach for creating a web site wherein a user is presented with a view that allows the user to select the desired features of the web site. Thereafter, a tool identifies which templates (“the selected templates”) in a library of stored templates are associated with the selected desired features. The user may be prompted for certain data from the user to personalize the templates. Thereafter, the selected templates are populated with the data collected from the user to create the web pages of the web site. The created web site may

then be forward to a server, so that the web site may be approved, and thereafter served to a requestor upon request (See FIG. 3 and the corresponding description in Col. 7, line 1 to Col. 8, line 33).

Significantly, the approach of *Bernardo* (a) modifies web page templates to create the web pages of the web site, so that the web pages of the web site are created before any request for the web page is received, and (b) the web page templates conform to the HTML protocol, but the web page templates are not user site XML files. Consequently, numerous elements of Claim 2 are not disclosed, taught, or suggested by *Bernardo*.

Specifically, the element of “creating a user site XML file holding data indicating a modified arrangement of components based on the input from the user” is not shown by *Bernardo*. The approach of *Bernardo* is silent with respect to how information indicating a modified arrangement of components is stored. Further, no portion of *Bernardo* suggests using an XML file for any purpose. Indeed, the Office Action acknowledges that *Bernardo* “do[es] not fairly suggest wherein the first data structure is a first extensible markup language (XML) document that defines a template web site.” Consequently, it is respectfully submitted that this element is not shown, taught, or suggested by *Bernardo*.

The element of “causing a web site building component to automatically build the web site based on the user site XML file” is also not shown by *Bernardo*. As explained above, the approach of *Bernardo* uses a set of HTML template files, in association with values supplied by a user to populate the HTML template files, to build a web site. No portion of *Bernardo* suggests building a web site on a user site XML file. Consequently, it is respectfully submitted that this element is not shown, taught, or suggested by *Bernardo*.

Another difference between Claim 2 and the approach of *Bernardo* is illustrated in the element “calling routing to load information from the user site XML file into said database

objects.” As explained above, *Bernardo* does not suggest the user of a user site XML file, so *Bernardo* cannot suggest loading information from the user site XML file into database objects. Consequently, it is respectfully submitted that this element is not shown, taught, or suggested by *Bernardo*.

Another important distinction between the approach of *Bernardo* and Claim 2 is featured in the element of “executing a routine to form one of the web site pages based on the database objects in response to receiving a request for the page.” In the approach of *Bernardo*, web pages are created in step 22 of FIG. 3, which is long before any request is received for the web page. Since the approach of *Bernardo* involves populating HTML template web pages with data supplied by a user, once the template web pages are populated, the web pages of the web site are created. Consequently, it is respectfully submitted that this element is not shown, taught, or suggested by *Bernardo*.

As numerous elements of Claim 2 are not disclosed, taught, or suggested by *Bernardo*, it is respectfully submitted that Claim 2 is patentable over *Bernardo*.

Bernardo and *Mary*, even if they could be properly combined, do not show Claim 2

Even if *Bernardo* and *Mary* could be properly combined, the combination of *Bernardo* and *Mary* would not disclose, teach, or suggest numerous elements of Claim 2.

Mary is directed towards separating the management of web site data, the specification of a web site’s content and structure, and the visual representation of web pages. *Mary* describes that this goal may be accomplished by using a declarative query language (STRUDEL) for specifying the content of a web site, and using a template language for specifying the HTML representation of the web site. Significantly, the approach of *Mary* does not involve “presenting a user with a series of one or more user interfaces including controls for modifying a template

that defines a first arrangement of components for a template web site.”

The Office Action relies on *Mary* to show:

Web sites have become the principal mechanism for disseminating and accessing on the Internet and on corporation’s high-speed intranets...As demand for data-intensive Web sites increases, the demand for tools to help create and maintain such sites also increases...Data is exchanged between the data repository and external sources in XML.

It is unclear how the above cited-portions of *Mary* show any element of Claim 2.

Assuming, *arguendo*, that *Mary* may be interpreted to mean that the templates of *Mary* may be implemented using XML and XSLT, it is still unclear how *Mary* discloses, teaches, or suggests numerous elements of Claim 2. For example, the element of “presenting a user with a series of one or more user interfaces including controls for modifying a template that defines a first arrangement of components for a template web site” is not shown by *Mary*. *Mary* contains no suggestion of presenting a user with a series of one or more user interfaces that include controls for modifying a template. Indeed, *Mary* teaches away from this element by stating:

- “STRUDEL [is] not an environment for Web-site design, nor is it intended for non-technical users or for develop of any Web-based application. (See page 39, fourth full paragraph).
- “In the Fun-Strudel implementation...the code to access data to define site structure, and to emit HTML code is interleaved, making it difficult to modify or extend.” (See page 53, fifth full paragraph).

In other words, not only does *Mary* not disclose a series of one or more user interfaces that include controls for modifying a template, but *Mary* contains numerous references that lament the difficulties experienced because of *Mary*’s lack of a user-interface.

As *Mary* does not show presenting a user with a series of one or more user interfaces, *Mary* cannot possibly show the element of “receiving input from the user in response to user

interaction with the controls on the series of one or more interfaces,” as the input from the user was transmitted in response to user interaction with the control on the series of one or more interfaces.” Further, *Mary* cannot possibly show the element of “creating a user site XML file holding data indicating a modified arrangement of components based on the input from the user,” because no portion of *Mary* discloses “input from the user” as claimed as explained above. Finally, *Mary* cannot possibly show the element of “causing a web site building component to automatically build the web site based on the user site XML file” since *Mary* does not show a user site XML file as expressly claimed, since the user site XML file was created based on the input from the user.

Further, no portion of *Mary* suggests the elements of “calling routines to create, within a database, database objects for storing and retrieving properties of components, of the web site, that are specified in the user site XML file,” “calling routines to load information from the user site XML file into said database objects,” and “executing a routine to form one of the web site pages based on the database objects in response to receiving a request for the page.”

Consequently, *Mary* does not show any element of Claim 2. Thus, even if *Bernardo* and *Mary* were to be properly combined, the combination of *Bernardo* and *Mary* would not disclose, teach, or suggest numerous elements of Claim 2.

Bernardo and *Mary* have not been properly combined

The Office Action states that it would have been obvious to combine *Bernardo*’s “teaching of creating web sites” with *Mary*’s “XML technologies” to “take advantage of XML technologies’ benefits, for example, XML and XSLT decouple page content from page presentation, which makes it possible for applications other than browsers to process page content.” However, notwithstanding the fact that neither *Bernardo* nor *Mary* disclose numerous

claim elements, the Applicant respectfully submits that there is nothing in either *Bernardo* or *Mary* that teaches or suggests combining their respective teachings.

As stated in the Federal Circuit decision *In re Dembiczak*, 50 USPQ.2d 1617 (Fed. Cir. 1999), (citing *Gore v. Garlock*, 220 USPQ 303, 313 (Fed. Cir. 1983)), “it is very easy to fall victim to the insidious effect of the hindsight syndrome where that which only the inventor taught is used against its teacher.” *Id.* The Federal Circuit stated in *Dembiczak* “that the best defense against subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or suggestion to combine prior art references.” *Id.* Thus, the Federal Circuit explains that a proper obviousness analysis requires “***particular factual findings*** regarding the locus of the suggestion, teaching, or motivation to combine prior art references.” *Id.* (emphasis added).

In particular, the Federal Circuit states:

“We have noted that evidence of a suggestion, teaching, or motivation to combine may flow from the prior art references themselves, the knowledge of one of ordinary skill in the art, or, in some cases, from the nature of the problem to be solved... although ‘the suggestion more often comes from the teachings of the pertinent references’... The range of sources available, however, does ***not diminish the requirement for actual evidence***. That is, the ***showing must be clear and particular***... Broad conclusory statements regarding the teaching of multiple references, standing alone, are not ‘evidence.’” *Id.* (emphasis added; internal citations omitted).

Neither *Bernardo* or *Mary* show any suggestion, teaching, or motivation to combine their teachings, nor does the Office Action provide a “clear and particular” showing of the suggestion, teaching, or motivation to combine their teachings. In fact, the only motivation provided in the Office Action is the hindsight observation that by combining features of those references, one may achieve the benefits achieved from the invention as described and claimed in the application. It is respectfully submitted that such a hindsight observation is not consistent with the Federal Circuit’s requirement for “particular factual findings.”

Further, *Mary* teaches away from combination with *Bernardo*. For example, *Mary* contains numerous references with the difficulties for non-technical people to use the approach of *Mary*, e.g., “STRUDEL [is] not an environment for Web-site design, nor is it intended for non-technical users or for develop of any Web-based application. (See page 39, fourth full paragraph). Also, there is no explanation in either *Mary* or *Bernardo* on how the templates of *Mary* (which use a template language to only describe the visual representation of the web page) may be used in conjunction with the templates of *Bernardo* (which are used to specify both the specification of the web pages’ content and structure and the visual representation of the web page).

Claims 2 And 27 Are Patentable Over The Cited Art

For at least the reasons given above, it is respectfully submitted that Claim 2 is patentable over the cited art, and is in condition for allowance. Claim 27 contains limitations similar to that of Claim 2, except that they are recited in computer-readable medium format. Consequently, for at least the reasons given above, it is respectfully submitted that Claim 27 is also in condition for allowance.

DEPENDENT CLAIMS 3, 5-13, 28, AND 30-38

Claims 3, 5-13, 28, and 30-38 are dependent claims, each of which depends (directly or indirectly) on one of the claims discussed above. Each of Claims 3, 5-13, 28, and 30-38 is therefore allowable for the reasons given above for the claim on which it depends. In addition, each of Claims 3, 5-13, 28, and 30-38 introduces one or more additional limitations that independently render it patentable. However, due to the fundamental differences already identified, to expedite the positive resolution of this case a separate discussion of those

limitations is not included at this time, although the Applicants reserve the right to further point out the differences between the cited art and the novel features recited in the dependent claims.

DEPENDENT CLAIMS 18-25 AND 43-49

Claims 18-25 and 43-49 are dependent claims, each of which has been amended to depend (directly or indirectly) on an allowed claim. Each of Claims 18-25 and 43-49 is therefore allowable for the reasons given above for the allowed claim on which it depends. In addition, each of Claims 18-25 and 43-49 introduces one or more additional limitations that independently render it patentable. Consequently, it is respectfully submitted that Claims 18-25 and 43-49 are patentable over the cited art and are each in condition for allowance.

CONCLUSION


The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

The one-month extension fee is enclosed. If there are any additional fees, please charge them to Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

Dated: December 13, 2004



Christopher J. Brokaw
Patent Agent, Reg. No. 45,620

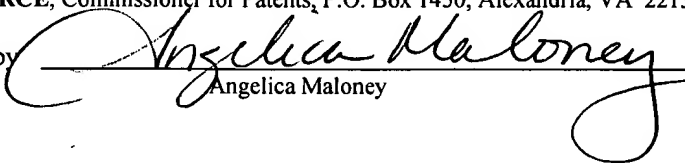
1600 Willow Street
San Jose, California 95125-5106
Telephone No.: (408) 414-1225
Facsimile No.: (408) 414-1076

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on December 13, 2004
(Date)

by



Angelica Maloney